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 JS-5/JS-6

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 CRIMINAL MINUTES - GENERAL

ORIGINAL

Case No JS-2/KS 04-00374 (A) SJO

Date: September 21, 2004

~~Seal Only~~

PRESENT: HONORABLE S. JAMES OTERO, JUDGE

Victor P. Cruz
 Deputy Clerk

Deborah Gackle
 Court Reporter

Joseph Johns
 Dorothy Kim
 Asst. U. S. Attorney

SPANISH INTERPRETERS: _____

U.S.A. vs (Dfts listed below)

Attorneys for Defendants

1) Rita Marie Lavelle
 pres custody bond

1) Dana Cephas, DFPD
 pres apptd retnd

2) _____
 pres custody bond

2) _____
 pres apptd retnd

3) _____
 pres custody bond

3) _____
 pres apptd retnd

____ DAY COURT TRIAL 1ST DAY JURY TRIAL XX The Jury is impaneled & sworn
 ____ FILED WITNESS AND EXHIBIT LIST ____ SEE SEPARATE LIST OF JURORS
 ____ Opening statements made by all parties ____ Witnesses called, sworn and testified.
 ____ Exhibits identified. ____ Exhibits admitted.

____ Motion for judgment of acquittal is _____

____ Motion for mistrial by _____ is ORDERED _____

xx Case continued to Wednesday September 22, 2004 @ 9:00 a.m.

____ Government rests. ____ Defendant(s) _____ rest.

____ Closing arguments made. ____ Court instructs jury. ____ Baliff/Matron sworn.

____ Alternates excused. ____ Jury retires to deliberate. ____ Jury resumes deliberations.

____ FINDING BY COURT AS FOLLOWS: ____ FILED JURY VERDICT AS FOLLOWS:

Dft #1: ____ Guilty on count(s) _____ ____ Not Guilty on count(s) _____

Dft #2: ____ Guilty on count(s) _____ ____ Not Guilty on count(s) _____

Dft #3: ____ Guilty on count(s) _____ ____ Not Guilty on count(s) _____

____ Jury polled. ____ Polling waived. ____ Filed Jury notes. ____ Filed Jury Instructions

____ Dft # ____ Referred to P/O for I/R & cont to _____ for sentencing.

____ Dft # _____ remanded to custody. ____ Dft # _____ released from custody.
 ____ Remand/Release # _____ issd. ____ Bond exonerated as to dft # _____

ENTER ON ICMS

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U.S.A. vs (Dfts listed below) Attorneys for Defendants

1) Rita Marie Lavelle 1) Dana Cephas, DFPDxx pres custody XX bond xx pres xx apptd retnd

xx Other: Court and counsel confer re pretrial documents. Defendant does not object to government's proposed statement to be read to the jury and the attached redacted indictment. Proposed voir dire filed by both parties. Court will allow each side 15 minutes of supplemental jury voir dire. Court instructs parties that any motion for cause must be supported. The Court will advise the jury that the defendant has a right not to testify. The Court has government's trial memo and supplemental trial memo. The Court has government's proposed special jury verdict. The defendant agrees to the joint jury instructions, but objects to government's supplemental instructions. The parties request a bifurcated jury trial; The Court inquires re penalty enhancement (see special verdict form). The court advises the parties that it is not in receipt of a motion for bifurcation. The Court has government's witness list; defendant has not filed one. The Court has filing of government's witness statements. Government's motion in limine to exclude introduction of defendant's hearsay statement is granted. Defendant's motion to exclude testimony of informer is granted. Defendant's motion in limine to exclude testimony or use of documents related to alleged 404(b) and any other document produced by government after date this case has been scheduled for is denied.

MINUTES FORM 6
CRIM - GEN

Initials of Deputy Clerk vpc *JP*